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By: **Senator McFadden**

Introduced and read first time: February 19, 2004

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Local Departments of Social Services - Local Directors - Appointment and**  
3 **Removal**

4 FOR the purpose of requiring that certain local directors of social services be  
5 appointed by certain local government officials from certain lists; providing that  
6 the appointment of local directors of social services shall be with the concurrence  
7 of the Secretary of Human Resources; prohibiting certain individuals appointed  
8 as local directors from serving in an acting capacity after a certain period of  
9 time; authorizing certain local government officials to remove certain local  
10 directors from office; authorizing the Secretary to concur with the removal of  
11 certain local directors; authorizing certain local boards of social services to  
12 submit certain lists to certain local government officials and the Secretary; and  
13 generally relating to local departments of social services and the appointment  
14 and removal of local directors of social services.

15 BY repealing and reenacting, with amendments,  
16 Article 88A - Department of Human Resources  
17 Section 13 and 14A  
18 Annotated Code of Maryland  
19 (2003 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article 88A - Department of Human Resources**

23 13.

24 (a) Except as provided in § 13A of this article, the State Department shall  
25 create or continue in each county and in Baltimore City a local department of social  
26 services to be known as such with the name of the county or city prefixed thereto. In  
27 each county such local department shall have a local board appointed in accordance  
28 with the provisions of § 14 of this article and a local director appointed in accordance  
29 with subsection (b)(1) of this section.

1 In Baltimore City the department of social services shall have a commission of  
 2 social services (herein referred to as "local commission") appointed in accordance with  
 3 the provisions of § 48(d) of Article VII of the Charter of Baltimore City, 1964 Edition,  
 4 and the local director of the local department in Baltimore City shall be appointed in  
 5 accordance with the provisions of subsection (b)(2) of this section.

6 The local boards in the counties and the local commission in Baltimore City  
 7 shall have all the duties and functions provided in § 14A of this article.

8 (b) (1) (I) [In] FROM THE LIST SUBMITTED BY EACH LOCAL BOARD OF  
 9 SOCIAL SERVICES AND THE COMMISSION OF SOCIAL SERVICES IN BALTIMORE CITY  
 10 AS PROVIDED IN § 14A(1) OF THIS ARTICLE, IN each county and Baltimore City the  
 11 local director shall be appointed BY [with the concurrence of the Secretary of Human  
 12 Resources and], as appropriate:

- 13 [(i)] 1. The county executive;  
 14 [(ii)] 2. The county commissioners;  
 15 [(iii)] 3. The Mayor of Baltimore City;  
 16 [(iv)] 4. The County Council of Talbot County or Wicomico County;  
 17 or  
 18 [(v)] 5. A designee of the county executive, county commissioners,  
 19 or Mayor.

20 (II) THE APPOINTMENT OF A LOCAL DIRECTOR IN ACCORDANCE  
 21 WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE WITH THE CONCURRENCE  
 22 OF THE SECRETARY OF HUMAN RESOURCES.

23 (III) AN INDIVIDUAL APPOINTED AS A LOCAL DIRECTOR MAY NOT  
 24 SERVE IN AN ACTING CAPACITY FOR A PERIOD EXCEEDING 6 MONTHS.

25 (2) The county executive, county commissioners, Mayor of Baltimore  
 26 City, County Council of Talbot County or Wicomico County, or designee, as  
 27 appropriate, shall meet and consult with the board of each local department prior to  
 28 the appointment of a local director.

29 (3) (i) In each county and Baltimore City the local director may be  
 30 removed from office BY [with the concurrence of the Secretary of Human Resources  
 31 and], as appropriate, the county executive, the county commissioners, the Mayor of  
 32 Baltimore City, County Council of Talbot County or Wicomico County, or the designee  
 33 of the county executive, county commissioners, County Council of Talbot County or  
 34 Wicomico County, or Mayor, WITH THE CONCURRENCE OF THE SECRETARY OF  
 35 HUMAN RESOURCES.

36 (ii) The county executive, county commissioners, Mayor of  
 37 Baltimore City, County Council of Talbot County or Wicomico County, or designee, as

1 appropriate, shall meet and consult with the board of each local department prior to  
2 the removal from office of a local director.

3 (4) Any individual appointed as a director of a local department of social  
4 services in accordance with paragraphs (1) and (2) of this subsection shall have, at a  
5 minimum:

6 (i) A master's degree in social work or a related field and at least 5  
7 years of professional employment in the field of social services administration or  
8 supervision; and

9 (ii) Any other qualifications and training that the Secretary of  
10 Human Resources may require by rule or regulation.

11 (5) (i) At least annually, the local director shall be evaluated, in  
12 writing, by the Secretary of Human Resources, the county or Baltimore City, and the  
13 local board of social services.

14 (ii) The Secretary of Human Resources shall notify the local board  
15 of social services of any significant deficiencies in the administration of the local  
16 department.

17 (iii) The Secretary of Human Resources, the county or Baltimore  
18 City, and the local board of social services shall jointly review their respective  
19 evaluations annually with the local director.

20 (6) (i) The governing body of each county and Baltimore City, in  
21 consultation with the local board of social services, shall establish by ordinance or  
22 resolution, the process by which the local director shall be evaluated in accordance  
23 with paragraph (5) of this subsection.

24 (ii) The Secretary shall establish by regulation the process by  
25 which the Secretary shall evaluate the local directors in accordance with paragraph  
26 (5) of this subsection.

27 (b-1) (1) The local director in each county, including Baltimore City, who is  
28 appointed on or after October 1, 1992, shall be in the executive service or  
29 management service of the State Personnel Management System.

30 (2) All deputy directors and assistant directors of the Department of  
31 Social Services of Baltimore City who are appointed after May 1, 1989, shall be in the  
32 management service of the State Personnel Management System.

33 (c) Except in Montgomery County, the local director in each county, including  
34 Baltimore City, shall administer the social service and public assistance activities in  
35 the respective county, except child support enforcement, in accordance with § 3 of this  
36 article. Each local director has a general administrative responsibility to the State  
37 Administration. Specifically, by way of example and not in limitation, each local  
38 director has the following basic responsibilities:

- 1           (1)     Long-range and short-range planning for the functions and  
2 objectives of the respective local department;
- 3           (2)     Exercise of full administrative responsibility for the operations of the  
4 respective local department;
- 5           (3)     Except as provided in subsection (b-1)(2) of this section or otherwise  
6 by law, appointment of all personnel of the respective local department in accordance  
7 with the provisions of Title 6, Subtitle 4 of the State Personnel and Pensions Article;
- 8           (4)     Improvement of administrative and social-work practices and  
9 procedures;
- 10          (5)     Submission of periodic reports and evaluations as required by the  
11 State Administration;
- 12          (6)     Submission of an annual report to the local board of the respective  
13 local department in the counties and to the local commission of the local department  
14 in Baltimore City; and
- 15          (7)     Other responsibilities as may from time to time be required by the  
16 State Administration or by other applicable laws, rules and regulations.

17   (c-1)   In Montgomery County, the local director shall act as the agent of the  
18 Secretary of Human Resources to ensure that Montgomery County complies with  
19 responsibilities under grant agreements entered into under § 13A(b) of this article.

20   (d)     Administrative costs of the local departments for the purpose of this  
21 section shall be paid out of allotments from State or federal funds, as the State  
22 Department may prescribe. This subsection does not prohibit any county from  
23 appropriating additional funds for administrative costs of the local department.

24 14A.

25   The board of each local department of social services in the counties and the  
26 local commission of the Department of Social Services in Baltimore City has the  
27 following duties and functions (specifically, by way of example and not in limitation):

28           (1)     **PRIOR TO THE APPOINTMENT OF A LOCAL DIRECTOR AS PROVIDED**  
29 **UNDER § 13(B)(1) OF THIS ARTICLE, TO SUBMIT A LIST OF AT LEAST THREE NAMES OF**  
30 **QUALIFIED APPLICANTS, AS REQUIRED BY § 13(B)(4) OF THIS ARTICLE, AS**  
31 **APPROPRIATE, TO THE COUNTY EXECUTIVE, THE COUNTY COMMISSIONERS, THE**  
32 **MAYOR OF BALTIMORE CITY, THE COUNTY COUNCIL OF TALBOT COUNTY OR**  
33 **WICOMICO COUNTY, OR A DESIGNEE OF THE COUNTY EXECUTIVE, COUNTY**  
34 **COMMISSIONERS, OR MAYOR, AND THE SECRETARY OF HUMAN RESOURCES;**

35           (2)     To advise the local director as to the local application of State policies  
36 or procedures;

37           (2)]   (3)     To be well informed on local departmental activities;

1            [(3)]    (4)    To communicate to the residents of the counties and of  
2 Baltimore City, as the case may be, broad and comprehensive information as to the  
3 objectives, policies, programs and problems of local social services and public  
4 assistance administration;

5            [(4)]    (5)    To review the periodic evaluation of the local department which  
6 has been prepared by the State Administration and to consult with the local director  
7 as to the proper implementation of these recommendations, and of such other  
8 recommendations as may result from evaluation made by the local board or local  
9 commission of the operation of its local department;

10           [(5)]    (6)    To review the annual report of the local director as to the  
11 activities of the local department, together with any changes in policies or procedures  
12 recommended by the local board, and to transmit it to the Secretary of Human  
13 Resources and to its local governing authority;

14           [(6)]    (7)    To review and make suitable recommendations in connection  
15 with the annual estimate of funds needed for social services and public assistance  
16 purposes in the counties and in Baltimore City, as the case may be;

17           [(7)]    (8)    To consult with the local director with respect to any new  
18 service that might be instituted by said director or by the local board or local  
19 commission to meet an unmet need in the county and in Baltimore City, as the case  
20 may be, and to approve or disapprove the local director's evaluation of the readiness  
21 of the local department to take on the new service and the propriety of it within the  
22 State plan; and to present to the State Administration suggested new services that it  
23 approves, whether these originate from the local director or from the local board or  
24 local commission, together with the recommendations of both the local director and  
25 the local board or local commission;

26           [(8)]    (9)    To take active steps to secure the appropriation of local funds by  
27 the local governing authority to meet needs not financed by or available through any  
28 other federal, State or local plan, project or program, and which are not in conflict  
29 with the State plan;

30           [(9)]    (10)    To meet with the Secretary of Human Resources periodically, as  
31 may be requested by the Secretary of the Department of Human Resources or at the  
32 request of the local board or local commission;

33           [(10)]    (11)    To establish and maintain effective liaison with the respective  
34 local governing authority;

35           [(11)]    (12)    To serve as an advocate, in conjunction with the State  
36 Department of Human Resources, for social services programs on the local, State, and  
37 federal level;

38           [(12)]    (13)    To work to identify private, State, and federal grant sources for  
39 social services programs;

1            [(13)]    (14)    To develop and implement, in conjunction with the State  
2 Department of Human Resources, an educational and public relations program for  
3 the public and elected officials on the local, State, and federal level; and

4            [(14)]    (15)    To evaluate, in conjunction with the State Department of  
5 Human Resources and the county or Baltimore City, the director of the local  
6 department of social services and make recommendations, based on the evaluation,  
7 with regards to the local director to the Secretary of Human Resources.

8        SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 June 1, 2004.